

On January 14, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold for fertilizer.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12055. Adulteration of mineral water. U. S. v. 264 Cases, et al., of Mineral Water. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17856, 17887, 17961. I. S. Nos. 7129-v, 7145-v, 7146-v, 7147-v. S. Nos. C-4130, C-4139, C-4158.)

On or about October 11, October 29, and November 6, 1923, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 326 cases of mineral water, at New Orleans, La., alleging that the article had been shipped by the Crazy Well Water Co., from Mineral Wells, Tex., on or about September 18, 1923, and transported from the State of Texas into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "No. 1" (or "No. 2" or "No. 3" or "No. 4") "Crazy * * * This is a Natural, Saline, Alkaline Mineral Water * * * The Crazy Well Water Company. Mineral Wells, Texas. One-Half Gallon."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance, in that a portion of the said article contained bacillus coli and the remainder thereof showed pollution.

On December 3, 1923, the Crazy Well Water Co., Mineral Wells, Tex., claimant, having stipulated that decrees of forfeiture might be entered, judgments of condemnation were entered, and it was ordered by the court that the product be destroyed by dumping the water and that the bottles and cases be returned to the claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12056. Adulteration of canned salmon. U. S. v. 496 Cases, et al., of Salmon. Tried to the court and a jury. Verdict for the Government. Decree of condemnation and forfeiture entered, with proviso that product might be released under bond to be reconditioned. (F. & D. Nos. 17383, 17385, 17385-a, 17385-b. I. S. Nos. 6651-v, 6655-v. S. Nos. C-3951, C-3953.)

On March 17, 20, and 25, 1923, respectively, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,195 cases of salmon, remaining in the original unbroken packages in various lots at St. Louis, Poplar Bluff, Sikestown, and Cape Girardeau, Mo., respectively, alleging that the article had been shipped by the Griffith-Durney Co., Seattle, Wash., in part on or about October 24 and in part on or about October 27, 1922, and transported from the State of Washington into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Can) "Aviation Brand * * * Chum Salmon Fresh Alaska * * * Chum Salmon North Pacific Trading and Packing Company San Francisco, Cal." The remainder of the article was labeled in part: (Can) "Klawack Brand * * * Salmon * * * Packed At Klawack Alaska, U. S. A. By The North Pacific Trading And Packing Company San Francisco Calif."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of filthy, decomposed, and adulterated animal substance.

On January 16, 1924, the North Pacific Trading & Packing Co., San Francisco, Calif., having appeared as claimant for the property, and the four libels having been consolidated into one action, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court delivered the following charge to the jury (Faris, J.):

"GENTLEMEN OF THE JURY: I shall now endeavor, as best I can, to give you what I deem to be the law of this case. This proceeding is a civil action. It is what is called a libel, that is, the Government, under a statute commonly called, I believe, the Food and Drugs Act, has provided for the seizure of articles of food, and drugs as well, though none of those are in issue here, whenever such articles of food fail to comply with the provisions of the statute that I have mentioned.